

# SENATE BILL No. 231

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-9-2-13; IC 4-15; IC 14-9; IC 14-10-3-4; IC 14-24-1-3.

**Synopsis:** Department of natural resources employees. Provides that employees of the department of natural resources (DNR), except for the director, the employee in the highest position in each division, and the conservation officers, are merit employees. Requires the DNR to work with the state personnel department to develop position classification plans for the department and to assist current employees in qualifying for positions. Requires the state personnel department to assist DNR employees who do not qualify to find employment with another state agency, if possible. Repeals provisions establishing the nonmerit status of DNR employees.

**Effective:** Upon passage.

**Simpson**

January 8, 2007, read first time and referred to Committee on Natural Resources.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 231

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 13. An individual may not  
3 solicit or receive a contribution in violation of the following statutes:  
4 (1) IC 4-23-7-3.5 (Indiana Library and Historical Department).  
5 (2) IC 4-23-7.1-38 (Indiana State Library).  
6 (3) IC 4-23-7.2-17 (Indiana Historical Bureau).  
7 (4) IC 8-23-2-3 (Indiana Department of Transportation).  
8 ~~(5) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural~~  
9 ~~Resources).~~  
10 SECTION 2. IC 4-15-2-3.8, AS AMENDED BY P.L.141-2006,  
11 SECTION 4, AND AS AMENDED BY P.L.145-2006, SECTION 5, IS  
12 CORRECTED AND AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE UPON PASSAGE]: Sec. 3.8. "State service" means  
14 public service by:  
15 (1) employees and officers, including the incumbent directors, of  
16 the county offices of family and children; and  
17 (2) employees and officers, except members of boards and

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commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability ~~aging~~, and rehabilitative services, *division of aging*, Fort Wayne State Developmental Center, ~~Muscatatuck State Developmental Center~~, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of homeland security (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family ~~and children~~, *resources*, *department of child services*, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, ~~and~~ state personnel department, **and department of natural resources (excluding officers employed in the law enforcement division under IC 14-9-8).**

SECTION 3. IC 4-15-2.5-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. The personnel system of the department of insurance, bureau of motor vehicles, department of **state** revenue, ~~department of natural resources~~, and department of adjutant general shall be conducted pursuant to this chapter, except that the division of audit of the department of **state** revenue, the conservation officers of the department of natural resources, and the excise police of the alcohol and tobacco commission

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shall maintain the political balance established prior to July 1, 1971.

SECTION 4. IC 14-9-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. Each bureau is headed by a deputy director. Each deputy director

(1) must be professionally or technically qualified for the position.  
and

(2) shall be employed in accordance with IC 14-9-7.

SECTION 5. IC 14-9-7-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. Employees of the department, except for the:

(1) director;

(2) employee in the highest position in each division; and

(3) employees of the law enforcement division under IC 14-9-8;

are merit employees under IC 4-15-2.

SECTION 6. IC 14-9-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Because the functions and duties of the department are largely technical in nature and require specialized knowledge, training, and experience for proper performance, the employees of the department designated by the state personnel department as professional or technical shall, except as otherwise expressly provided in this article, be employed solely on the basis of the qualifications of the employees to perform the required duties. Political, religious, racial, and fraternal affiliations may not be a consideration in personnel actions affecting the employees.

(b) Adequate provisions shall be made to assure that employees selected possess the knowledge and ability and can satisfy the minimum education and experience requirements as defined in the class specifications for the positions.

(c) An employee under this policy may not:

(1) hold political office while employed by the department;

(2) solicit or receive money for political purposes; or

(3) be required to make contributions for or participate in political activities.

(d) An applicant for a position may not be required to declare a political, religious, racial, or fraternal affiliation.

SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 14-9-7-2; IC 14-9-7-3; IC 14-9-7-4; IC 14-10-3-4; IC 14-24-1-3.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" refers to the department of natural

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1 resources created by IC 14-9-1-1.

2 (b) As used in this SECTION, "employee" means an individual  
3 who is an employee of the department on January 1, 2007.

4 (c) Notwithstanding IC 14-9-7-0.5, as added by this act, an  
5 employee continues to be employed under IC 4-15-2.5 through  
6 December 31, 2007.

7 (d) The department shall work with the state personnel  
8 department to:

9 (1) develop position classification plans for the department;  
10 and

11 (2) assist employees to qualify for positions developed under  
12 subdivision (1).

13 (e) If an employee does not qualify for employment with the  
14 department after the new classifications are developed under  
15 subsection (d), the state personnel department shall assist the  
16 employee in finding employment with another state agency, if  
17 possible.

18 (f) This SECTION expires January 1, 2008.

19 SECTION 9. An emergency is declared for this act.

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